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EXAMINER

DANIELS, ANTHONY J

ART UNIT

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2622

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,748	<b>Applicant(s)</b> RICHARDSON ET AL.	
	<b>Examiner</b> ANTHONY J. DANIELS	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18,20-22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,20-22 and 24-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

The amendment, filed 10/25/2010, has been entered and made of record. Claims 1-18, 20-22 and 24-27 are pending in the application.

### **Response to Arguments**

Applicant's arguments regarding claims 1 and 25 and the Knighton et al. in view of Bronson rejection have been fully considered but they are not persuasive.

Applicant argues, "The Office Action alleges on page 4 that the grip 202 and the breech 130 are analogous to the "grip" recited in claim 1. Applicant respectfully disagrees and asserts that the breech 130 is not configured to, nor is it used to be gripped by a user during use of the communication station. Conversely, the breech 130 includes a pointer button 208 that may be pressed by a user. It is evident that the breech is not a portion of a "grip" as it is not configured to be gripped as grasping the breech 130 would preclude a user from depressing the pointer button 208. Consequently, the grip 102 of Knighton does not have a second expanded configuration. The grip 102 of Knighton may merely be angled forward in the deployed orientation to accommodate a different wrist angle of a user (as noted in col. 2, lines 25-28). The grip 102 is not expanded, but only rotated." The examiner respectfully disagrees with Applicant's assessment of what can and cannot be considered a grip. Who is to say how a user would grip the device of Knighton? More specifically, a user may want to position his/her thumb on a portion of the breech next to the pointer button in order to provide a more stable position. The examiner believes the breech being a part of the grip is not unreasonable. Thus, the grip (as the examiner

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interprets it) can be placed in a second expanded configuration and Knighton, as modified by Bronson, meet the limitations of independent claim 1 and new claim 25.

### **Claim Rejections - 35 USC § 103**

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6,8-11,12,14-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003) in view of Bronson (US # 6,384,863).

As to claim 1, Knighton et al. teaches a mobile communication station (Figure 1 and Figure 9; Col. 5, Lines 22-55; *{The examiner submits that the processor “900” of Figure 9 of Knighton et al. communicates with other components of the device; therefore, making the apparatus of Knighton et al. a mobile communication station.}*) including a camera (Figure 9, ISA “908”) and having a body (Figure 1, lens housing “118”, display assembly “104”, grip

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“102” and breech “130” together are the housing) having a longest dimension along a first axis (Figure 6A), the body comprising two portions (Figure 1, display assembly (first portion) “104” and grip and breech (second portion) “102” and “103”) which are mechanically coupled to each other by a linkage (Figure 1, lens housing “118”) that permits rotation of one of the portions (Figure 4 display assembly “104”) relative to the other (Figures 6A and 6C) about an axis (Figure 1 and Figure 7, axis of rotation of the display assembly “706”) and prevents rotation of each portion relative to the other about other axes (Figures 6A-6D; {See attached marked up copy of Figure 1 submitted on 12/4/2009 regarding the claimed "other axes".}), one of said portions having a grip for being gripped by a user during use of the communication station (Figure 1, grip and breech “102” and “130”), the grip having a first compact configuration (Figure 6C) and a second configuration in which the grip is expanded relative to the first configuration (Figure 6D) to improve the grip of the user on the communication station when the grip is in the second expanded configuration (Col. 2, Lines 15-17 and Lines 25 and 26). The claim further differs from Knighton et al. in that it requires that the linkage permits rotation of one of the portions relative to the other about an axis substantially parallel to said first axis.

Further in the same field of endeavor, Bronson teaches an ergonomically designed digital camera (Figures 1a and 1b) having two portions including a lens assembly (Figure 1b, lens assembly “200”) having an image sensing device (Col. 3, Lines 62-65, “...image array...”) and grip portion (Figure 1b, hand grip “100”). The portions are coupled to each other through the use of a telescoping and rotating device (Figure 1b, telescoping and rotating device “160”) allowing one of the portions to rotate relative to each other about an axis that is substantially parallel to an axis representing the longest dimension of the lens assembly and grip (Col. 2, Lines 40-42; Col.

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3, Lines 21-33). In light of the teaching of Bronson, it would have been obvious to one of ordinary skill in the art to include the ability to rotate the grip and breech portion of the assembly relative to the lens housing (and consequently, relative to the display assembly) of Knighton et al. in the manner suggested in Bronson, because this would provide an added orientation which may serve more comfortable than the two orientations disclosed in Knighton et al.

As to claim **2**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein the grip is movable with respect to the body of the mobile communication station (see Knighton et al., Figures 6C and 6D).

As to claim **3**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 2, wherein the body houses operational components of the communication station (see Knighton et al., Figure 1, lens “106”).

As to claim **4**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 3, wherein the body includes the camera (see Knighton et al., Figure 8a, ISA “830”).

As to claim **5**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 3, wherein user input and/or output components of the communication station are exposed on the surface of the body (see Knighton et al., Figure 1, lens “118”).

As to claim **6**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 2, wherein the grip is rotatable relative to the body (see Knighton et al., Figures 6C and 6D).

As to claim **8**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 4, wherein the grip is rotatable relative to the body about an axis substantially perpendicular to the direction in which the camera points, so as to project from the body (see Knighton et al., Figures 6C and 6D; see Bronson, Figures 1A and 1B).

As to claim **9**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 8, wherein in at least one rotational position the grip extends continuously from the body in the direction of the axis of rotation of the grip (see Knighton et al., Figures 6C and 6D).

As to claim **10**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 2, wherein the grip is slidable relative to the body (see Knighton et al., Figure 6D).

As to claim **11**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein the grip has a core portion (see Knighton et al., Figure 1, breach "130") and at least one outer wall (see Knighton et al., Figure 1, outer wall of grip "102") movable away from the core portion (see Knighton et al., Figures 6C and 6D), and wherein when moving from the first compact configuration to the second expanded configuration the at least one outer wall is moved away from the core portion (see Knighton et al., Figures 6C and 6D). The claim differs from Knighton et al., as modified by Bronson, in that it further requires that the at least one outer wall is linearly moved away from the core portion.

In the same field of endeavor, Bronson teaches an ergonomically designed digital camera (Figures 1A and 1A) having two portions including a lens assembly (Figure 1B, lens assembly "200") having an image sensing device (Col. 3, Lines 62-65, "...image array...") and grip

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portion (Figure 1B, hand grip “100”). The portions are coupled to each other through the use of a telescoping and rotating device (Figure 1B, telescoping and rotating device “160”) which allows the lens assembly to move linearly away from grip when the camera changes from a stowed to a deployed orientation (Figures 1A and 1B). In light of the teaching of Bronson, it would have been obvious to one of ordinary skill in the art to include the ability to move the grip Knighton et al. linearly away from the lens housing in the system of Knighton et al., because this would provide an added configuration through which a user can grip the device while retaining its ergonomic traits.

As to claim **12**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein the mobile communication station is capable of operating as a mobile telephone (see Anderson et al., Col. 4, Lines 47-54).

As to claim **14**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein user input and/or output components of the communication station are exposed on the surface of the grip (see Knighton et al., Figure 2, pointer button “208”).

As to claim **15**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 14, wherein the grip is movable relative to the direction in which the camera points so as to be capable of adopting a position in which the user input and/or output components of the communication station are exposed on the surface of the grip face in substantially the opposite direction to that in which the camera points (see Knighton et al., Figures 2, 6C and 6D).



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As to claim **16**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein changing the configuration of the grip from the first compact configuration to the second expanded configuration makes available an additional user interface for controlling the operation of the mobile communication station (see Knighton et al., Col. 3, Lines 56-65).

As to claim **17**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein the grip houses operational components of the mobile communication station (see Knighton et al., Col. 2, Lines 26-28).

As to claim **18**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 17, wherein the grip is electrically connected to the main body of the mobile communication station (see Knighton et al., Col. 2, Lines 26-28 and Col. 3, Lines 44-48).

As to claim **20**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein one of the portions includes a camera (see Knighton et al., Figure 8a, ISA "830" of lens housing "118").

As to claim **21**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1, wherein the other of the portions includes a display (see Knighton et al., Figure 8a, display elements "206").

As to claim **22**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 1. Although it is not stated explicitly in Knighton et al., as modified by Anderson et al. and Bronson,, the examiner takes **Official Notice** that concept of compressing an image (i.e. editing) before being stored on a memory card is well known and

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expected in the art. One of ordinary skill in the art would have been motivated to include the function of compressing images before storage on the memory card in Knighton et al. (Figure 7, memory card “702”), because this would allow a user to maximize the amount of images stored on the memory card by minimizing space.

**It is noted by the examiner that because applicant has failed to timely traverse the old and well known statement above, it is now taken as admitted prior art. See MPEP 2144.03 (c).**

As to claim **24**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 11, wherein the at least one wall is moveable away from the core portion in a direction substantially perpendicular to the first axis (see Knighton et al., Figure 6D; see Bronson, Figures 1A and 1B).

As to claims **25-27**, claims 25-27 are method claim corresponding to apparatus claims 1, 11 and 24, respectively. Therefore, claims 25-27 are analyzed and rejected as previously discussed with respect to claims 1, 11 and 24, respectively.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003) in view of Bronson (US # 6,384,863) and further in view of Isahi (US # 5,719,799).

As to claim **7**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 4. The claim differs from Knighton et al., as modified by Bronson, in that it further requires that the grip be rotatable relative to the body portion about an axis

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substantially parallel to the direction in which the camera points, so as to project from the body portion.

In the same field of endeavor, Isahi teaches a portable information processing apparatus (Figure 1A) including a hinge member housing a lens system and a CCD (Col. 15, Lines 37-40). A gripping portion (Figure 1A, keyboard “4a”) and LCD unit (Figure 1A, LCD unit “2”) are coupled together via the hinge member such that gripping portion can be rotated about an axis substantially parallel to the direction in which the lens system and CCD point (Figures 8A-8D). In light of the teaching of Isahi, it would have been obvious to one of ordinary skill in the art to include the ability to rotate the grip and breech about the optical axis of the lens housing in Knighton et al., because this would provide an added orientation which may serve more comfortable than the two orientations disclosed in Knighton et al.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003) in view of Bronson (US # 6,384,863) and further in view of Knighton et al. (US # 7,359,003) – different embodiment.

As to claim **13**, Knighton et al., as modified by Bronson, teaches a mobile communication station as claimed in claim 12. The claim differs from Knighton et al., as modified by Bronson, in that it further requires that the mobile communication station is capable of sensing relative motion of at least a part of the grip portion and another part of the mobile communication station, and in response switching from a first operating mode to a second operating mode.

In a different embodiment, Knighton et al. discloses a visor that may be closed and re-opened in order to transition from an inactive state to an active state (Col. 6, Lines 37-42). In light of the teaching of Knighton et al., it would have been obvious to one of ordinary skill in the art to include the ability in Knighton et al.'s first embodiment to activate the display of the display assembly by cycling the grip from the stowed to deployed orientation, because this would allow the device to know when to operate in the active state as well as saving power when no event has occurred (see Knighton et al., Col. 6, Lines 37-42).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANTHONY J. DANIELS** whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/  
Supervisory Patent Examiner, Art Unit  
2622

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1/1/2011